

## EMPLOYMENT APPEALS TRIBUNAL

### APPEAL OF:

EMPLOYEE

- *Appellant*

### CASE NO.

TE44/2011

for implementation of the recommendation of the Rights Commissioner reference  
r-092018-te-10/TB

EMPLOYER

- *Respondent*

EMPLOYER

- *Respondent*

under

### TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Ms A. Gaule  
Mr G. Whyte

heard this appeal at Dublin on 2nd November 2011

### Representation:

Appellant: Colm O'Dwyer B.L. instructed by Elizabeth Mitrow MRCI 55 Parnell Square West,  
Dublin 1

Respondent: No appearance

The decision of the Tribunal was as follows:-

### Determination:

The implementation came before the Tribunal by way of a Rights Commissioner's recommendation dated 22<sup>nd</sup> September 2010

“(6) (a) Where a recommendation of a rights commissioner in relation to a complaint under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought the employee concerned may bring the complaint before the Tribunal and the Tribunal shall, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like effect as the

recommendation.”

Accordingly, the Tribunal orders that the Rights Commissioner’s recommendation, (reference r-092018-te-10/TB), to make an award of €500 to the appellant under the Terms of Employment (Information) Act, 1994 to 2001, be implemented on receipt of this determination.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

